

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

JEREMIAH MITCHELL, :
Plaintiff, : Case No. 3:09cv00276
vs. :
MICHAEL J. ASTRUE, : District Judge Walter Herbert Rice
Commissioner of the Social : Magistrate Judge Sharon L. Ovington
Security Administration, :
Defendant. :
=====

DECISION AND ENTRY

The Court has conducted a de novo review of the Report and Recommendations of United States Magistrate Judge Sharon L. Ovington (Doc. #16), to whom this case was originally referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby **ADOPTS** said Report and Recommendations.

Accordingly, it is hereby **ORDERED** that:

1. The Report and Recommendations filed on May 21, 2012 (Doc. #16) is **ADOPTED** in full;
2. Plaintiff's Motion for Attorney Fees Under the Equal Access to Justice Act (Doc. #14) is **GRANTED**, in part, to the extent Plaintiff is entitled to an EAJA award in the total amount of \$2,656.25. Plaintiff's Motion for an EAJA award totaling \$3,614.84 is **DENIED**;
3. Defendant is directed to verify, within twenty-one days of this Decision and

Entry, whether or not Plaintiff owes a pre-existing debt to the United States subject to offset. If no such pre-existing debt exists, Defendant is ordered to pay the EAJA award directly to Plaintiff's counsel; and,

4. The case remains terminated on the docket of this Court.



Walter Herbert Rice
United States District Judge